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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,917

01/03/2002

James M. Coleman

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09/22/2005

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EXAMINER

CHOW, MING

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,917

Applicant(s)

COLEMON, JAMES M.

Examiner

Ming Chow

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-28 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

1. Claim 7 recites "the byte in the first position". There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

2. Claims 8, 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach comparing the value of the bytes in the first and the second positions to possible combinations of values for known devices, and comparing the value of the byte and the parameter set to possible combinations of values for known devices.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2645

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "that" (line 9) is not clearly defined. It is unclear what is referred by the cited "that".

4. Claims 2-4, 11, 15, 16, 20, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "listening" is not clearly defined. The cited limitation refers to audible signals are being heard by a human being or an animal but not a machine. It is unclear the cited limitation refers to listening by a human being or detecting by a machine.

5. Regarding claim 12, the term "likely" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "likely"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1-3, 14, 15, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer et al (US: 6625168), and in view of Ramberg et al (US: 2002/0000464).

Regarding claims 1, 2, 14, 15, 19, 20, 25, Langer et al teach on column 1 line 35-one control information router has a reception unit for receiving commands (reads on claimed “determining a device is connected”).

Langer et al teach on column 3 line 66 to column 4 line 3, data format conversion (claimed “receiving a data packet” and “determining a parameter”).

Langer et al teach on Fig. 1, port for data communication.

Langer et al failed to teach “analyzing the data structure to determine the device”. However, Ramberg et al teach on section [0057], a data server analyzes the data structure to determine the recipient device”.

It would have been obvious to one skilled at the time the invention was made to modify Langer et al to have the “analyzing the data structure to determine the device” as taught by Ramberg et al such that the modified system of Langer et al would be able to support the system users conveniences of analyzing the data structure in order to determine the device.

Regarding claims 3, 21, the data structure received as taught by Langer et al must be sent by a sending resource.

7. Claims 4, 11, 13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer et al, in view of Ramberg et al, and further in view of Godbold et al (US: 4733391).

Regarding claims 4, 16, the modified system of Langer et al in view of Ramberg et al as stated in claim 3 above failed to teach "startup packet and an acknowledgement". However, Godbold et al teach on column 12 line 28-31, acknowledgement to a startup signal.

It would have been obvious to one skilled at the time the invention was made to modify Langer et al in view of Ramberg et al to have the "startup packet and an acknowledgement" as taught by Godbold et al such that the modified system of Langer et al in view of Ramberg et al would be able to support the system users conveniences of acknowledging the startup signal.

Regarding claim 11, rejections as stated in claims 1 and 4 above apply.

Regarding claim 13, rejections as stated in claim 10 apply.

8. Claims 5, 22, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer et al, in view of Ramberg et al, and further in view of Good et al (US: 6240095).

The modified system of Langer et al in view of Ramberg et al as stated in claim 1 above failed to teach "applying baud rate and parity setting to the packet". However, Good et al teach on column 4 line 2-6, network device communicates data with baud rates and parity.

It would have been obvious to one skilled at the time the invention was made to modify Langer et al in view of Ramberg et al to have the “applying baud rate and parity setting to the packet” as taught by Good et al such that the modified system of Langer et al in view of Ramberg et al would be able to support the system users conveniences of supporting baud rate and parity to the data packet.

9. Claims 6, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer et al, in view of Ramberg et al, and further in view of Hoffmann (US: 6879583).

The modified system of Langer et al in view of Ramberg et al as stated in claim 1 above failed to teach “determining the value of data in a position in the packet”. However, Hoffmann teaches on column 2 line 26-30, determining the value at one bit position of a data packet.

It would have been obvious to one skilled at the time the invention was made to modify Langer et al in view of Ramberg et al to have the “determining the value of data in a position in the packet” as taught by Hoffmann such that the modified system of Langer et al in view of Ramberg et al would be able to support the system users conveniences of determining the value at a position of a packet.

10. Claims 7, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer et al, in view of Ramberg et al, in view if Hoffmann, and further in view of Blanc et al (US: 6728251).

The modified system of Langer et al in view of Ramberg et al and in view of Hoffmann as stated in claim 6 above failed to teach “determining the value of the byte in the first position”. However, Blanc et al teach on column 8 line 2-7, determining the value of the first byte.

It would have been obvious to one skilled at the time the invention was made to modify Langer et al in view of Ramberg et al and in view of Hoffmann to have the “determining the value of the byte in the first position” as taught by Blanc et al such that the modified system of Langer et al in view of Ramberg et al and in view of Hoffmann would be able to support the system users conveniences of determining the value of the first byte.

11. Claims 10, 18, 23, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langer et al, in view of Ramberg et al, and further in view of Sexton et al (US: 6775763).

The modified system of Langer et al in view of Ramberg et al as stated in claim 1 above failed to teach “a series of conditional branch instructions to determine a matching”. However, Sexton et al teach on column 17 line 49-51, conditional branch instructions for comparing a key value.

It would have been obvious to one skilled at the time the invention was made to modify Langer et al in view of Ramberg et al to have the “a series of conditional branch instructions to determine a matching” as taught by Sexton et al such that the modified system of Langer et al in view of Ramberg et al would be able to support the system users conveniences of conditionally comparing the value.

12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langer et al, in view of Ramberg et al, and further in view of Godbold et al, and further in view of Humpleman et al (US: 6603488).

The modified system of Langer et al in view of Ramberg et al and in view of Godbold et al as stated in claim 11 above failed to teach “a list of parameter for devices”. However, Humpleman et al teach on Fig. 15, list of device parameters.

It would have been obvious to one skilled at the time the invention was made to modify Langer et al in view of Ramberg et al and in view of Godbold et al to have the “a list of parameter for devices” as taught by Humpleman et al such that the modified system of Langer et al in view of Ramberg et al and in view of Godbold et al would be able to support the system users conveniences of implementing a list of device parameters.

13. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langer et al, in view of Ramberg et al, and further in view of Mashinsky et al (US: 6912277).

The modified system of Langer et al in view of Ramberg et al as stated in claim 11 above failed to teach “the messaging system is a voice mail system”. However, Mashinsky et al teach on column 1 line 57-60, the voicemail system is determined by a parameter.

It would have been obvious to one skilled at the time the invention was made to modify Langer et al in view of Ramberg et al to have the “the messaging system is a voice mail system” as taught by Mashinsky et al such that the modified system of Langer et al in view of Ramberg et al would be able to support the system users conveniences of identifying a voicemail system by a parameter.

Conclusion

14. The prior art made of record and not replied upon is considered pertinent to applicant's disclosure.

- US: 5918638.

15. Any inquiry concerning this application and office action should be directed to the examiner Ming Chow whose telephone number is (571) 272-7535. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

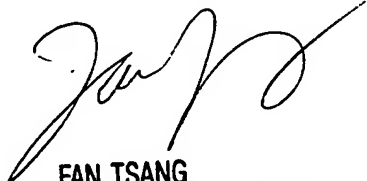
Washington, D.C. 20231

Or faxed to Central FAX Number 571-273-8300.

Patent Examiner

Art Unit 2645

Ming Chow



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